UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,448	12/03/2003	Jefferson Craig Lind	988.1045000	6733

7590 09/26/2008

Russell D. Culbertson
Suite 420
1114 Lost Creek Blvd.
Austin, TX 78746

EXAMINER	
MCCULLOCH JR, WILLIAM H	
ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
09/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/726,448	LIND ET AL.	
	Examiner	Art Unit	
	William H. McCulloch	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18 and 20-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18 and 20-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/22/2008 has been entered. Claims 1-18 and 20-24 are pending in the application, with claims 1, 9, and 18 currently amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-7, 18, 20-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2003/0003980 to Moody (hereinafter Moody).

Regarding claims 1, 18, and 20, Moody teaches a method, system, and program product including the following:

(a) obtaining a game play result (e.g., outcome of the base game) for a player in response to a game play request, the game play request made in direct response to the player activating a base game play input in a game (e.g., player initiates primary game; see at least pars. 14-19), the game play result being for a base game play

round and specifying a prize value and being obtained independently of play in a bonus round for the game (e.g., determination of a base game outcome is established before the player plays a bonus round; see at least pars. 14-19);

(b) associating the game play result with the bonus round (a determined outcome of the primary game indicates that a bonus round will be performed by the gaming machine; see at least pars. 17-20);

(c) after the game play request in the game, enabling the player to play the bonus round by presenting the player with a number of selection options from which to choose and enabling the player to make a selection from among the selection options (e.g., the player makes selections by answering at least one multiple-choice question in the bonus game; see at least pars. 20-23);

(d) concealing the prize value from the player during the bonus round until the player makes the selection (the player is unaware of the bonus prize amount until making at least one selection; see Id.);

(e) in response to the selection, displaying a prize value to the player as a result for play of the bonus round (as before, the player is unaware of the bonus prize amount until making at least one selection; see Id).

Moody teaches the invention substantially as described above. With respect to section (e) above, Moody teaches displaying a prize value in the bonus round, but lacks in teaching that the prize value displayed as a result of the bonus round *is the same as* the prize value specified by the game play result of the base game, as described in

section (a) above. Instead, Moody teaches that the base game outcome is randomly determined by, e.g., a slot machine known in the art (par. 16) and further teaches that the outcome of the secondary or bonus game is randomly determined by computer controls if and when the player wins the chance to play the secondary or bonus game (par. 19). In other words, Moody teaches that both the base game and the bonus game are randomly determined, albeit by two independent random events, resulting in a game that is completely determined by chance (no skill on the part of the player influences any game outcome).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Moody such that the outcome of the base game and bonus game are determined by the same random selection in order to reduce processing overhead needed to operate each game. As further motivation to modify Moody, one of ordinary skill in the art would have recognized that the overall outcome of a game of Moody (i.e., base game winnings plus bonus game winnings) may be advantageously controlled by selecting both outcomes at the same time in order to ensure that the target payout percentage of the game is maintained. In other words, one of ordinary skill in the art would recognize that outcomes of the base and bonus game could be simultaneously chosen such that the overall winnings never exceed a predetermined limit in a single round of the game, which is an advantage because gaming operators would limit the liability of paying out large prize values.

Regarding claim 2, Moody teaches a method further including obtaining an additional game play result for the player in response to an additional game play result

in the game, the additional game play result comprising a non-bonus round game play result and being associated with a respective prize value, and also including responding to the non-bonus round game play result by displaying to the player the respective prize value associated with the non-bonus round game play result, the non-bonus round game play result not being associated with the bonus round (Moody teaches such in a subsequent, non-bonus outcome of the primary game; see at least pars. 16-17).

Regarding claim 3: In applicant's remarks received by the Office on 5/25/2007, applicant essentially argues that the "bingo card pattern" and "bingo-type game" recitations do not necessarily refer to traditional bingo games wherein a player manually daubs the card in the spaces representing 'called' bingo balls (see pages 12-13). In view of these arguments, the Examiner will interpret the bingo-related recitations of claim 3 as being merely visual in the sense that the game merely looks like a bingo game or had some other characteristic in common with bingo games known in the art. As such, the invention as claimed exhibits a game output to the player that is obtained independently of actual play of the bonus game (see claim 1), and that appears to the player to be similar to a bingo game. In actuality, the player has not played a game of bingo, as it is known in the art, but rather the player has made a selection and in response, the game device outputs a prize value and what appears to the player to be a winning bingo outcome commensurate with the prize value. Therefore, Moody anticipates the recited bingo-type pattern in at least the teaching of a slot machine game outcome, wherein a winning outcome may correspond, for example, to all elements of one diagonal of an N-by-N grid having the same symbol.

Regarding claim 4, Moody further teaches that associating the game play result with the bonus round is performed in response to a random event (e.g. the bonus round is initiated in response to a randomly-selected combination of symbols on a play line of a video slot machine; see at least par. 17).

Regarding claims 5 and 21, Moody further teaches that associating the game play result with the bonus round is performed in response to a predetermined event (e.g., when the base game yields a predetermined outcome that allows the player a chance to play a bonus round; see at least pars. 16-17).

Regarding claim 6, Moody teaches that the step of associating the game play result with the bonus round is performed according to a predetermined relationship between the game play result and the bonus round (similar to the explanation of claim 4, Moody teaches that the association of the game play result with the bonus round is performed according to a relationship between the symbols on a payline and the predetermined set of primary game outcomes that yield a bonus round.)

Regarding claims 7 and 22, Moody teaches the limitations of the claim by displaying the graphical depictions associated with the selection bonus game, as described above.

Regarding claim 24, Moody teaches performing a table look up to identify the prize value specified by the game play result at least because the game device (i.e., computer controls) randomly selects an award from a pool of possible awards (see at least par. 19). The pool of possible awards corresponds to the claimed "table" because

they are both logical collections of numbers. Selection of one award from the collection of awards is interpreted as performing a "look up".

4. Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody in view of Admitted Prior Art.

Claims 8 and 23 are directed toward a bonus game wherein a player is presented with a number of selection options from which to choose and is a graphical depiction of a number of participants in a contest. Moody teaches the invention substantially as described above but lacks in explicitly teaching that players may choose participants of a contest. As was detailed in the previous rejections, it was notoriously well known in the art to offer bonus games wherein a player may select one or more racers, for instance horses in a race, on which to place bets and possibly win bonus prizes. Applicant has not seasonably challenged the Examiner's assertion that it was known in the art at the time of invention to offer such games wherein the player selects objects representative of participants in a contest, and as such that assertion is admitted prior art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Moody in order to allow players to play a game having a graphical depiction of a number of objects representing respective participants in a contest in order to provide electronic representations of real life events.

5. Claims 9-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody in view of Admitted Prior Art.

Regarding claims 9 and 13, Moody teaches the invention substantially as described above with regard to claims 1-7, 18, and 20-22, but lacks in explicitly teaching

a game server operable to obtain a game play result for the game play request. In a previous Office Action, the Examiner took Official Notice that it was known at the time of invention to control a plurality of gaming machines with a centralized server system. Applicant has not adequately challenged the Examiner's Official Notice and it is therefore considered admitted prior art. It would have been an obvious to one of ordinary skill in the art at the time of invention to employ a game server in order control a plurality of gaming machines from centralized server system, in order to provide added consistency and security, among other administrative advantages, to the gaming system.

Regarding claims 10 and 14, Moody teaches a bonus association controller (computer controls of the electronic gaming machine; see at least paragraph 14).

Features of claim 11 are shown in the rejection of claim 4 above. Features of claim 12 are shown in the rejection of claim 5 above. Features of claim 15 are shown in the rejection of claim 7 above. Features of claim 17 are shown in the rejection of claim 2 above.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moody in view of Admitted Prior Art applied to claim 9 above, in view of Admitted Prior Art applied to claims 8 and 23 above.

The invention taught by Moody in view of Official Notice is described above in relation to claim 9, but lacks in explicitly teaching that players may choose participants of a contest. It would have been obvious to modify the invention taught by Moody in

view of Admitted Prior Art for the same reasons set forth above with regard to claims 8 and 23.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch whose telephone number is (571) 272-2818. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. H. M./
Examiner, Art Unit 3714
9/22/2008

/Corbett Coburn/
Primary Examiner
AU 3714